

**TRANSMITTAL
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		Application Number	10/691,383
		Filing Date	October 21, 2003
		First Named Inventor	Vreeland, Valerie
		Art Unit	1652
		Examiner Name	Walicka, Małgorzata A.
Total Number of Pages in This Submission	5	Attorney Docket Number	02307O-087130US

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Response to Restriction Requirement (3pp);
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Return Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Townsend and Townsend and Crew LLP	Reg. No. 54,111
Signature		
Date	August 9, 2004	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Stephanie J. Whitehurst		
Signature		Date	August 9, 2004



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PATENT
Attorney Docket No.: 02307O-087130US
Client Ref. No.: 2000-468-2

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On August 9, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: Stephanie J. Whitehurst

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

VREELAND, Valerie

Application No.: 10/691,383

Filed: October 21, 2003

For: RECOMBINANT MINIMAL
CATALYTIC VANADIUM
HALOPEROXIDASES AND THEIR
USES

Customer No.: 20350

Confirmation No. 8387

Examiner: WALICKA, Malgorzata A.

Technology Center/Art Unit: 1652

**RESPONSE TO RESTRICTION
REQUIREMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Office communication mailed July 8, 2004, Applicants elect Group II, claims 14-24, drawn to a vanadium haloperoxidase polypeptide, for further prosecution. This election is made with traverse.

Basis for restriction practice is illustrated in 35 U.S.C. §121, "[i]f two or more independent and distinct inventions are claimed in one application, the Director [of the Patent and Trademark Office] may require the application to be restricted to one of the inventions." The meaning of "independent" and "distinct" is further provided by MPEP §802.01: the term "independent" means that there is no disclosed relationship between the two or more subjects disclosed; the term "distinct" means that two or more subjects as disclosed are related, for example, as combination and part thereof, process, and apparatus for its practice, process and product made, etc., but are capable of separate manufacture, use, or sale as claimed.

The present application relates to the discovery of a minimal catalytic structure to support the enzymatic activity of a vanadium haloperoxidase. This discovery allows the recombinant production of minimal catalytic vanadium haloperoxidases and use of such recombinant polypeptides in enzymatic halogenation of compounds. The subject matter of the restriction requirement, particularly that of Groups II and III, are closely related as the claimed method of enzymatic halogenation of Group III requires the use of the recombinant minimal catalytic vanadium haloperoxidase of Group II. Thus, the subjects upon which the restriction requirement is imposed are not "independent" under 35 U.S.C. §121 according to the MPEP's definition.

Nor are the subjects "distinct" under 35 U.S.C. §121 according to the MPEP's definition. Because the claimed enzymatic halogenation method of Group III relies on the recombinant polypeptides of Group II, they cannot be separated from each other when the claimed method is practiced.

Because of the common inventive concept and the close relation between the subject matter of Groups II and III, the examination of these two Groups together would not impose any additional, unreasonable burden on the Examiner. Applicants respectfully submit that the restriction requirement is improper and request that the Examiner reconsider and withdraw the requirement.

Appl. No. 10/691,383
Resp. dated August 9, 2004
Reply to Office communication of July 8, 2004

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Chuan Gao
Reg. No. 54,111

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